

DOLL AMIR & ELEY LLP

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Attorneys for Defendant,  
CAPITAL ONE, N.A.

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 DRAGANA COMPTON,  
11 Plaintiff,  
12 v.  
13 CAPITAL ONE FINANCIAL CORP.,  
14 Defendant.

15 Case No.

**NOTICE OF REMOVAL OF  
ACTION TO THE UNITED  
STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT  
OF CALIFORNIA UNDER 28  
U.S.C. § 1441(a), 28 U.S.C. § 1331  
(FEDERAL QUESTION)**

16 [Los Angeles County Superior  
17 Court, Case No. 23VESC02548]

18 Complaint Filed: 11/28/2023

1                   **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR**  
 2 **THE CENTRAL DISTRICT OF CALIFORNIA:**

3                   **PLEASE TAKE NOTICE THAT** Defendant Capital One, N.A., erroneously  
 4 named as “Capital One Financial Corp” (“Capital One”), hereby invokes this Court’s  
 5 jurisdiction under the provisions of 28 U.S.C. § 1441(a) and 28 U.S.C. § 1331, and  
 6 removes this action from state court to federal court pursuant to 28 U.S.C. § 1446(b).

7                   **A. JURISDICTION**

8                   1. Capital One specifically alleges that this Court has federal question  
 9 jurisdiction over this action pursuant to 28 U.S.C. §§ 1441(a) and 28 U.S.C. § 1331  
 10 because Plaintiff Dragana Compton (“Plaintiff”) alleges a cause of action and  
 11 damages arising under the federal Fair Credit Billing Act (“FCRA”), 15 U.S.C. §  
 12 1666, *et seq.*

13                   **B. STATEMENT OF THE CASE**

14                   2. On November 28, 2023, Plaintiff filed a small claims complaint (the  
 15 “Complaint”) in the Van Nuys Courthouse East, Los Angeles County Superior Court,  
 16 State of California, designated as Case No. 23VESC02548 (the “Action”). Pursuant  
 17 to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders  
 18 received by Capital One in the Action are attached hereto as *Exhibit A*.

19                   3. By Plaintiff’s Complaint, Plaintiff alleges that Capital One violated the  
 20 “Fair Credit Billing Act,” which is codified at 15 U.S.C. § 1666, *et seq.* *See* Exh. A,  
 21 Attachment to Complaint at ¶ 8.

22                   **C. BASIS FOR REMOVAL**

23                   4. This Court has jurisdiction over the Action pursuant to 28 U.S.C. § 1331  
 24 because Plaintiff alleges she seeks damages for Capital One’s purported violation of  
 25 the Fair Credit Billing Act (*see*, Exh. A, Attachment to Complaint, at ¶ 8), which is a  
 26 law of the United States. Adjudication of Plaintiff’s Complaint thus requires an  
 27 analysis and construction of federal law. Accordingly, this Action may be removed to  
 28 this Court by Capital One pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1331

1 because this Court would have had original jurisdiction founded on Plaintiff's claims  
 2 arising under the FCRA.

3 **D. ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN**  
 4 **SATISFIED**

5. Removal is timely. Service was made via certified mail on Capital One's  
 6 registered agent for service of process on December 11, 2023. Therefore, this Notice  
 7 of Removal is "filed within thirty [30] days after receipt by the defendant...of a copy  
 8 of [Plaintiff's Summons and Complaint]" in accordance with the time period  
 9 mandated by 28 U.S.C. § 1446(b); *Murphy Bros. v. Michetti Pipe Stringing*, 526 U.S.  
 10 344 (1999) (holding that the deadline to remove only begins to run once formal  
 11 service has been effectuated).

12. Removal to Proper Court. Venue lies in the United States District Court  
 13 for the Central District of California pursuant to 28 U.S.C. §1441(a) because the  
 14 Action was filed in this District.

15. Consent to Removal. Capital One is the only named Defendant in the  
 16 Action and therefore no consent of additional parties is required.

17. Pleadings and Process. Pursuant to 28 U.S.C. § 1446(a), a true and  
 18 correct copy of all process, pleadings and orders received by Capital One in the  
 19 Action are attached hereto as *Exhibit A*.

20. Notice. Written notice of the filing of this Notice of Removal will be  
 21 promptly served upon Plaintiff. Capital One will also promptly file a copy of this  
 22 Notice with the Clerk of the Superior Court of California, County of Los Angeles.

23. **WHEREFORE** Capital One prays that the Action, now pending against it in  
 24 the Superior Court of the State of California, County of Los Angeles, be removed  
 25 therefrom to this Court.

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DOLL AMIR & ELEY LLP

1 DATED: January 10, 2024

DOLL AMIR & ELEY LLP

2  
3 By: /s/ Hunter R. Eley

4 HUNTER R. ELEY  
5 Attorneys for Defendant,  
6 CAPITAL ONE, N.A.

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